

CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance and Litigation

Biweekly Report—Period Ending May 24, 1997

GraphicData, LLC v. U. S., COFC No. 97-256

Judge Miller has granted our Motion for Summary Judgment in this PTO procurement of patent printing services. We do not expect Plaintiff to appeal. Mark Langstein had the case.

Core Financial System

We reviewed and approved for issuance a Show Cause Notice which would terminate two software development CLINs for default. The contractor, Andersen Associates, will have 10 days in which to show that the partial termination is unwarranted. Mark Langstein is advising.

2000 Advertising Procurement

The Request for Proposals was released on May 13th by sending out paper copies and posting on the World Wide Web. If there are no unforeseen delays, offers will be due in late June. Fred Kopatch is advising.

AWIPS

Steve Carrara provided comments to NWS on the Executive Addendum to the National Implementation Plan ("NIP") for the NWS modernization. Comments focused on changes due to completed contractual events and clarification of the Secretary Kantor's earlier decision concerning Key Decision Point 4 ("KDP4").

Aries Research, Inc.—B-276967-1

GAO dismissed this protest in which the protester challenged the size status of the apparent awardee of a NOAA computer contract. GAO pointed out that SBA, not GAO, has jurisdiction to decide size protests. Protester's second basis of protest—restrictive specifications—was also dismissed as untimely. Cecilia R. Jones had the case.

Franchise Funds/Activities

The Franchise Fund Board meeting was held on 5/22. With respect to procurement issues, a team will be formed to look into development of a standard MOU. Counsel was asked to make a brief presentation at the next board meeting to explain the applicability of the GMRA of 1994 and the Economy Act to franchise fund procurement activities. Provided legal assistance to OCS regarding its MOU with the Treasury Department. Terry H. Lee and Jerry Walz are advising.

Gem Engineering Co. v. DOC—GSBCA No. 13566-COM

The next status call with the Judge has been postponed due to the unexpected death of the Judge's son. Appellant will conduct document discovery in Kansas City next week and we have tentatively scheduled our final deposition prior to ADR for the last week in June. Catherine Shea and Mark Langstein are on the case.

American Combustion Industries, Inc. . GAO-B-270570

As a result of prior discussions between counsel, protestor has resubmitted its cost claim at approximately \$10,000.00 less than its original submittal. The claim is being reviewed by the contracting officer. In a related development, both the protestor and putative awardee have submitted new technical and cost proposals in response to amendments to the RFP, which were issued because of changes in program needs resulting from the delay caused by the protest. These proposals are presently being evaluated, and discussions will be scheduled within the next few weeks. Ken Lechter has the matter.

Actions Completed/Received during Period

| | From 5/11/97 | To 5/24/97 |
|--------------|--------------|------------|
| | Received | Completed |
| NIST | 2 | 2 |
| NOAA | 13 | 7 |
| NTIS | 1 | 1 |
| PTO | 2 | 1 |
| Total | 18 | 11 |

Contract Law Division—Client Workload Period Ending 05/24/97

